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STATUTORY INSTRUMENTS

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**2020 No. 747**

**The Civil Procedure (Amendment No. 3) Rules 2020**

**Amendment of Part 83**

**16.—**(1) After rule 83.8 insert—

**“Notice of execution of writs and warrants of possession**

**83.8A.—**(1) This rule applies to—

- (a) writs of possession; and
- (b) warrants of possession,

other than writs and warrants excluded by paragraph (6).

(2) Subject to paragraph (5), a notice of eviction must be delivered to the premises not less than 14 days before the writ or warrant is executed.

(3) The notice of eviction referred to in paragraph (2) must—

- (a) be addressed to—
  - (i) all persons against whom the possession order was made; and
  - (ii) “any other occupiers”; and
- (b) be in the form prescribed by Practice Direction 83.

(4) The notice of eviction must be delivered by—

- (a) inserting it through the letter box in a sealed transparent envelope; or
- (b) if that is not practicable—
  - (i) attaching a copy to the main door or some other part of the land so that it is clearly visible; or
  - (ii) if that is not practicable, placing stakes in the land in places where they are clearly visible and attaching to each stake a copy of the notice in a sealed transparent envelope.

(5) The court may—

- (a) dispense with the requirement to deliver a notice of eviction; or
- (b) extend or shorten the time by which a notice of eviction must be delivered,

but may not exercise its powers under sub-paragraph (b) so as to postpone the date of execution of any writ or warrant of possession beyond the last date permitted for that purpose by or under any enactment.

(6) This rule does not apply to writs or warrants of possession to enforce possession orders against trespassers, other than possession orders against persons who entered or remained on the premises with the consent of a person who, at the time consent was given, had an immediate right to possession of the premises.”.

(2) In rule 83.13—

- (a) in paragraph (1)—

- (i) for sub-paragraph (b) substitute—
  - “(b) proceedings for contempt of court under Part 81;” and
- (ii) for sub-paragraph (c) substitute—
  - “(c) where no such proceedings are brought, by a writ of sequestration.”;
  - and
- (b) for paragraphs (2) to (9) substitute—
  - “(2) No writ of possession to enforce a notice under section 33D of the Immigration Act 2014 may be issued without the permission of the court.
  - (3) No writ of possession against a trespasser may be issued after the expiry of 3 months from the date of the order without the permission of the court.
  - (4) Unless the court otherwise directs, an application for permission under paragraph (3) may be made without notice to any other party.
  - (5) An application for a writ of possession may be made without notice.
  - (6) The person applying for a writ of possession must file a certificate that the land which is the subject of the judgment or order has not been vacated.
  - (7) A writ of possession may include provision for enforcing the payment of any money adjudged or ordered to be paid by the judgment or order which is to be enforced by the writ.
  - (8) In a case to which paragraph (7) applies or where an order for possession has been suspended on terms as to payment of a sum of money by instalments, the person applying for a writ of possession must certify—
    - (a) the amount of money remaining due under the judgment or order; and
    - (b) that the whole or part of any instalment due remains unpaid.”.
- (3) In rule 83.14—
  - (a) in paragraph (1)—
    - (i) for sub-paragraph (b) substitute—
      - “(b) proceedings for contempt of court under Part 81;” and
    - (ii) for sub-paragraph (c) substitute—
      - “(c) where no such proceedings are brought, by a writ of sequestration.”;
      - and
  - (b) in paragraph (2), for sub-paragraph (c) substitute—
    - “(c) proceedings for contempt of court under Part 81;”.